

**REMARKS**

Claims 7, 15 and 19-22 are pending in this application. By this Amendment, claims 7, 15 and 22 are amended. Support for the amendments to the claims can be found, for example, on page 7, line 24 - page 8, line 3 of the original specification. No new matter is added. Reconsideration and prompt allowance of the application are respectfully requested.

The Office Action rejects claims 15 and 22 under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter. By this Amendment, claims 15 and 22 are amended responsive to the rejection. Thus, withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 7, 15 and 19-22 under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. 2003/0056117 to Elgressy et al. ("Elgressy"). Applicants respectfully traverse the rejection.

Elgressy does not disclose each and every feature recited in independent claims 7, 15 and 22. For example, Elgressy does not disclose "a first receipt control unit that receives, using the receiving unit, before receiving the program via the network, function information indicating a code described in the program, for calling the function of the receiving device," as recited in independent claim 7 and similar features recited in independent claims 15 and 22.

The Office Action appears to assert that the gateway of Elgressy corresponds to the claimed first receipt control unit that receives function information. However, Elgressy does not disclose that the gateway receives function information indicating a code described in the program. Elgressy discloses that the gateway analyzes the header of each Executable Object to determine the resources of the computer that the Executable Object needs to utilize (see paragraphs [0019]-[0022] and [0024] of Elgressy). Elgressy discloses that the resources of the computer that the Executable Object needs to utilize is compared to the list of resources allowed and prohibited for use by the user's Security Policy (see paragraphs [0027] and

[0028] of Elgressy). Thus, because Elgressy only discloses that the header is analyzed to determine if the resources are allowed or prohibited, Elgressy does not disclose that the gateway receives function information indicating a code described in the program.

Furthermore, because Elgressy discloses that the comparison of the resources of the computer that will be utilized by the Executable Object is performed during the transfer of the Executable Object, Elgressy does not disclose receiving function information before receiving the program via the network (see paragraphs [0024]-[0028] of Elgressy). Elgressy discloses that the computer initiates downloading the Executable Object and that the gateway "listens" to the data being transferred between the enterprise and the Internet (see paragraph [0034] and [0035] of Elgressy). If the resources that the Executable Object will utilize are allowed for use by the Security Policy, then no steps are taken by the system to prevent the Executable Object from passing through the gateway and reaching the computer. However, if the resources that the Executable Object will utilize are prohibited for use by the Security Policy, then steps are taken to prevent the Executable Object from passing through the gateway. Thus, Elgressy discloses that a computer initiates the transfer and during the transfer of the Executable Object the gateway compares the resources that the Executable Object will utilize to the list of allowed and prohibited resources in the Security Policy.

Elgressy also does not disclose "a determining unit that determines whether to receive the program, by comparing the function information received by the first receipt control unit and information stored by the storing unit," recited in independent claim 7 and "a second step of determining, by comparing the function information received in the first step and information on whether the function of the program is permitted to be used, which is pre-registered in memory, whether to receive the program associated with the function information," recited in independent claim 15 and similarly recited in independent claim 22.

As discussed above, Elgressy discloses that the header information of the Executable Object is received before the header is analyzed to determine if the resources are allowed or prohibited by the user's Security Policy. Thus, the gateway determines whether to allow the Executable Object to pass through the gateway and to reach the computer after the gateway has received the header information and the Executable Object. That is, the Executable Object is received by the gateway, which is a device that makes the determination, before the determination is made by gateway. Therefore, Elgressy does not disclose the above-recited features of claims 7, 15 and 22.

Elgressy also does not disclose "a second receipt control unit that receives, using the receiving unit, the program via the network if the determining unit determines to receive the program, and that cancels receipt of the program by the second receipt control unit via the network if the determining unit determines not to receive the program, wherein the determining unit makes the determination before the program is received by the second receipt control unit," recited in independent claim 7 and "a fifth step of canceling reception of the program by the computer via the network if it is determined in the second step not to receive the program," recited in independent claim 15 and similarly recited in independent claim 22.

As discussed above, Elgressy discloses that the header information of the Executable Object is received before the header is analyzed to determine if the resources are allowed or prohibited by the user's Security Policy. Thus, the gateway receives the Executable Object before the determination is made to allow the Executable Object to pass through the gateway and to reach the computer. Therefore, because the gateway receives the Executable Object to analyze the header information, the reception of the Executable Object by the gateway is not canceled if it is determined not to receive the program.

Therefore, independent claims 7, 15 and 22 are patentable over Elgressy.

Claims 19-21 depend from claim 7. Therefore, claims 19-21 are patentable over the applied references, at least for their dependence from claim 7, as well as for the additional features claims 19-21 recite.

Thus, withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:  
Petition for Extension of Time

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